

Message Text

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PAGE 01 BRASIL 03258 251824Z
ACTION SNM-05

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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 7217

C O N F I D E N T I A L BRASILIA 3258

STADIS////////////////////////////////

EO 11652 GDS
TAGS SNAR BR
SUBJECT: ALLEGED STATE RESTRICTIONS ON DEA

REF: STATE 083084

1. EMBASSY CANNOT RECALL INSTANCES IN WHICH AMBASSADOR OR NARCOTICS COORDINATOR HAS VETOED OR RESTRAINED A SPECIFIC DEA ACTIVITY. SCOPE OF DEA ACTIVITIES IN BRAZIL IS GOVERNED BY EXCHANGE OF NOTES BETWEEN EMBASSY AND FOREIGN MINISTRY DURING 1974 AND 1975, REAFFIRMED IN RECENT EXCHANGE (OCTOBER 1977-FEBRUARY 1978) ON CLOSING OF BRASILIA'S DEA OFFICE (BRASILIA 1103). THESE EXCHANGES STIPULATE THAT DEA EMPLOYEES MAY "EXCHANGE INFORMATION WITH THE COMPETENT BRAZILIAN AUTHORITIES BUT THEY ARE NOT, HOWEVER, AUTHORIZED TO OPERATE IN BRAZILIAN TERRITORY." IN PRACTICE, THIS HAS MEANT THAT DEA MUST WORK THROUGH BRAZILIAN FEDERAL POLICE (DPF) AND IS SPECIFICALLY PROHIBITED FROM UNDERTAKING INDEPENDENT OPERATIONS IN BRAZIL.

2. DEA'S GUIDELINES FOR OPERATIONS IN FOREIGN COUNTRIES AND EMBASSY'S OWN INTERNAL GUIDELINES, WHICH CONFORM CLOSELY WITH THEM, ARE RESTRICTIVE ONLY TO THE EXTENT THAT THEY TAKE INTO CONSIDERATION GOB RIGHTS AND SENSITIVITIES, THE NEED TO BALANCE DEA ACTIVITIES AGAINST OTHER US INTERESTS IN BRAZIL, AND EXECUTIVE BRANCH
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MANDATE FOR DEPARTMENT OF STATE TO EXERCISE OVERSIGHT AND SUPERVISORY FUNCTIONS WITH RESPECT TO OVERSEAS DEA ACTIVITIES (76 BRASILIA 7307 AND 7625; 77 BRASILIA 8956). EXAMPLES OF SUCH RESTRAINTS ARE RESTRICTIONS ON THE AUTHORIZED POSSESSION AND USE OF FIREARMS IN BRAZIL AND DEA'S OBLIGATION TO CLEAR ALL PROPOSED OPERATIONS THROUGH AMBASSADOR.

3. EMBASSY CONSIDERS THE RECORD OF COOPERATION WITH LOCAL DEA REPRESENTATIVES TO HAVE BEEN GOOD. THE FOLLOWING ARE ILLUSTRATIVE:

(A) IN MAY 1976 EMBASSY INTERVENED WITH DPF AND THE BRAZILIAN AIR FORCE TO PERMIT A DEA AIRCRAFT TO ENTER BRAZILIAN AIRSPACE FOR VISUAL SURVEILLANCE OF A SUSPECT AIRCRAFT, EVEN THOUGH EMBASSY DOUBTED THE FEASIBILITY OF THE OPERATION (76 BRASILIA 4264 AND 4332).

(B) EMBASSY NARCOTICS COORDINATOR COMMENDED THE WORK OF A DEPARTING DEA SPECIAL AGENT IN A LETTER TO DEA ADMINISTRATOR BENSINGER (SIMCOX-BENSINGER LETTER OF 10/7/76).

(C) EMBASSY HAS SUPPORTIVE OF DEA TREATMENT OF A BLACKLISTED DEA INFORMANT WHEN LATTER SOUGHT TO INVOLVE EMBASSY IN EMBARRASSING PUBLICITY (76 BRASILIA 8965).

(D) MORE RECENTLY, WHEN DEA WAS FORCED TO IMPLEMENT WORLDWIDE PERSONNEL CUTBACKS, EMBASSY SUPPORTED THE CONTINUATION OF ITS OFFICE IN RIO DE JANEIRO (77 BRASILIA 3300). WHEN IT PROVED UNFEASIBLE FOR DEA TO RETAIN THE PERSONNEL NEEDED TO STAFF THIS OFFICE, EMBASSY AGREED TO ITS CLOSING. EMBASSY LATER AGREED TO CLOSING OF DEA'S BRASILIA OFFICE AND TRANSFER OF SAIC TO SAO PAULO IN ORDER TO CONSOLIDATE IN THAT OFFICE THE THREE DEA AGENTS REMAINING IN BRAZIL. THIS MOVE TO THE HEART OF BRAZIL'S DRUG PROBLEM AREA WAS INTENDED TO MAXIMIZE THE EFFECTIVENESS OF THE REMAINING DEA PRESENCE IN BRAZIL. IN ALL THESE MOVES, THE EMBASSY INTERVENED
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FREQUENTLY, AND ULTIMATELY EFFECTIVELY WITH THE FOREIGN MINISTRY IN SUPPORT OF DEA'S REQUESTS.

4. EMBASSY NARCOTICS CONTROL COMMITTEE, MEETING MOST RECENTLY IN FEBRUARY 1978, REVIEWED EMBASSY'S OVERALL INC PROGRAM AND AGREED THAT A MODEST PROGRAM OF TECHNICAL AND TRAINING ASSISTANCE SUPPLEMENTING DEA'S OBJECTIVES HERE SHOULD BE CONTINUED BEYOND THE EXPIRATION ON SEPTEMBER 30, 1978, OF THE USAID-GOB PROAG. A LARGE SCALE PROGRAM, INVOLVING SUBSTANTIAL MATERIAL ASSISTANCE, WAS DECIDED AGAINST AS INAPPROPRIATE AT THE PRESENT TIME BECAUSE BRAZIL IS NOT A SIGNIFICANT

NARCOTICS PRODUCER OR TRANSIT COUNTRY.

THE MODEST PROGRAM WOULD ENABLE UPGRADING SHOULD THE SOUTH AMERICAN NARCOTICS TRAFFIC PATTERN CHANGE IN FUTURE.
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